

REMARKS

Claims 1-23 are pending and under consideration.

On pages 3-7 of the Action, claims 1-9, 11-17, 20, 21 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over previously-cited Estes et al. (2003/0208411) in view of newly-cited Langhammer (U.S. 2002/0099622).

The Examiner notes that Estes et al. fails to disclose acquiring address data from a purchaser wishing to purchase and have merchandise delivered, said acquiring capable of storing a plurality of delivery addresses, including addresses of non-purchasers and, thus, Langhammer is cited as disclosing this feature.

The Examiner further notes that Langhammer was considered a 102(e) reference and relied on the PCT filing date to establish priority over the present application. The Examiner is respectfully requested to consult the Manual of Patent Examiner Procedure (MPEP) and specifically the chart appearing on page 700-40 (attached as Exhibit A for the Examiner's convenience). Since the International Application was filed before November 29, 2007 (specifically on September 17, 2007), the 102(e) date of Langhammer is the filing date of the application, which accordingly is March 12, 2002 and not prior art because the present application was filed January 28, 2002.

Therefore, it is respectfully submitted that independent claims 1, 6, 12 and 17 patentably distinguish over the cited references. Accordingly, the pending dependent claims inherit the patentability of their respective base claim and, thus, it is further submitted that the dependent claims also patentably distinguish over the prior art.

On pages 7-8 of the Action claims 7, 10, 18 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Estes et al. and Langhammer and further in view of previously-cited Kirner (U.S. 2002/0046040) or previously-cited Iannacci (U.S. 2002/0062249).

As stated above, Langhammer is not applicable prior art and, thus, the rejections of claims 7, 10, 18 and 22 suffer the same deficiencies as those described above. Further, Kirner and Iannacci fail to cure the deficiencies of Estes et al., as acknowledged by the Examiner.

Moreover, dependent claims 7, 10, 18 and 22 inherit the patentability of their respective base claim and, thus, patentably distinguish over the prior art for the reasons provided above.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

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Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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